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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 KENNETH O'NEIL,  
15 Defendant.

CASE NO. 2:21-CR-00115-KJM  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER  
DATE: November 15, 2021  
TIME: 9:00 a.m.  
COURT: Hon. Kimberly J. Mueller

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17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
19 through defendant's counsel of record, hereby stipulate as follows:

20 1. By previous order, this matter was set for status on November 15, 2021.  
21 2. By this stipulation, defendant now moves to continue the status conference until  
22 December 13, 2021, and to exclude time between November 15, 2021, and December 13, 2021, under  
23 Local Code T4.

24 3. The parties agree and stipulate, and request that the Court find the following:  
25 a) The government has represented that the discovery associated with this case  
26 includes multiple audio files, reports, photographs, and toll records. The defendant has requested  
27 new counsel, and discovery will be produced within two weeks of new counsel being appointed.

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b) Counsel for the defendant desires additional time to conduct independent factual investigation, meet with her client to discuss trial, sentencing, and resolution options, conduct legal research into trial and sentencing issues, and otherwise prepare for trial.

c) Counsel for the defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of November 15, 2021 to December 13, 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

## IT IS SO STIPULATED.

Dated: November 10, 2021

**PHILLIP A. TALBERT**  
Acting United States Attorney

/s/ CAMERON L. DESMOND  
CAMERON L. DESMOND  
Assistant United States Attorney

Dated: November 10, 2021

/s/ Candice Fields  
Candice Fields  
Counsel for Defendant  
KENNETH O'NEIL

## **FINDINGS AND ORDER**

IT IS SO FOUND AND ORDERED. The status conference set for November 15, 2021 is vacated and reset for December 13, 2021 at 9:00 a.m., the time between November 15, 2021, and December 13, 2021 is excluded under Local Code T4.

DATED: November 16, 2021.

**CHIEF UNITED STATES DISTRICT JUDGE**